



National Clearinghouse on Child Abuse and Neglect Information National Adoption Information Clearinghouse




Gateways to Information: Protecting Children and Strengthening Families

2003 Child Abuse and Neglect State Statute Series Ready Reference Reporting Laws: Immunity for Reporters

What You Need to Know

Under the Child Abuse Prevention and Treatment Act (CAPTA),¹ in order to receive a Federal grant, States must provide provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect.²

Every State, the District of Columbia, and the U.S. territories of American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands, provide some form of immunity from liability for persons who in good faith report suspected instances of abuse or neglect under the reporting laws. Immunity statutes protect reporters from civil or criminal liability that they might otherwise incur. Several States provide immunity not only for the initial report, but also during any judicial proceedings arising from the report.



The Clearinghouses
are services of the
Children's Bureau,
Administration for
Children and Families,
U.S. Department of
Health and Human
Services.

This Ready Reference is a product of the Child Abuse and Neglect State Statutes Series prepared by the National Clearinghouse on Child Abuse and Neglect Information. Ready Reference publications contain excerpts of text with citations from specific sections of each State's code that focus on a single issue of special interest. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures.

Electronic copies of this publication may be downloaded from the National Clearinghouse on Child Abuse and Neglect Information Web site.

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We welcome your comments and suggestions about this publication.

¹ 42 U.S.C.A. § 5101 *et. seq.* (West 1995).

² 42 U.S.C.A. § 5106a(b)(2)(A)(iv) (West Supp. 1998).

ALABAMA***Ala. Code § 26-14-9 (1998)***

Any person, firm, corporation or official, including members of a multidisciplinary child protection team, quality assurance team, child death review team, or other authorized case review team or panel, by whatever designation, participating in the making of a good faith report in an investigation or case review authorized under this chapter or other law or department practice or in the removal of a child pursuant to this chapter or participating in a judicial proceeding resulting therefrom, shall, in so doing, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

ALASKA***Alaska Stat. § 47.17.050 (Michie 1996)***

Except as provided below, a person who, in good faith, makes a report under the reporting laws, permits an interview, or participates in judicial proceedings related to submission of reports, is immune from civil or criminal liability that might otherwise be incurred or imposed for making the report or permitting the interview, except that a person who knowingly makes an untimely report is not immune from civil or criminal liability based on the delay in making the report.

A person accused of committing the child abuse or neglect is not immune from civil or criminal liability for the child abuse or neglect as a result of reporting the child abuse or neglect.

AMERICAN SAMOA***A.S. Code § 45.2012 (A.S. Bar 2003)***

Any person participating in good faith in the preparation of a report or in a judicial proceeding held under this chapter and any person responsible for the taking of photographs or X-rays, or the placing temporary protective custody of a child under this chapter, is immune from any liability, civil or criminal, that otherwise might result by reason of the reporting. For the purpose of any proceedings, civil or criminal, any person reporting child abuse, any person taking, or causing to be taken, photographs or X-rays, or any person who has legal authority to place a child in protective custody is presumed to have acted in good faith.

ARIZONA

Ariz. Rev. Stat. Ann. § 13-3620(J) (West, WESTLAW through Ariz. 2003 Legis. Serv., Ch. 222)

A person who furnishes a report, information or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, is immune from any civil or criminal liability by reason of that action unless the person acted with malice or unless the person has been charged with or is suspected of abusing or neglecting the child or children in question.

Ariz. Rev. Stat. Ann. § 8-805(A) (West Supp. 1998)

Any person making a complaint, or providing information or otherwise participating in the program authorized by this article shall be immune from any civil or criminal liability by reason of such action, unless such person acted with malice or unless such person has been charged with or is suspected of abusing, abandoning or neglecting the child or children in question.

ARKANSAS

Ark. Code Ann. § 12-12-517 (Michie 1995)

Any person or agency required to participate and acting in good faith in making notification, the taking of photographs or X-rays or the removal of a child while exercising protective services, shall be immune to suit and to liability, both civil and criminal.

All other persons making notification, if acting in good faith, shall be immune from liability.

CALIFORNIA

Cal. Penal Code § 11172(a), (b) (West, WESTLAW through 2002 Reg. Sess. & 3rd Ex. Sess.)

No mandated reporter shall be civilly or criminally liable for any report required or authorized by this article.

Any other person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by law, unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard of the truth or falsity of the report, and any person who makes a report of child abuse or neglect known to be false or with reckless disregard of the truth or falsity of the report is liable for any damages caused.

No mandatory reporter, nor any person taking photographs at his or her direction, shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse or neglect without parental consent, or for disseminating the photographs with the reports required by law. However, this section does not grant immunity from liability with respect to any other use of the photographs.

Any person who, pursuant to a request from a government agency investigating a report of suspected child abuse or neglect, provides the requesting agency with access to the victim of known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of providing that access.

COLORADO***Colo. Rev. Stat. Ann. § 19-3-309 (West Supp. 1996)***

Any person, other than the perpetrator, complicitor, coconspirator, or accessory, participating in good faith in the making of a report pursuant to the reporting laws, in the facilitation of the investigation of such a report, in a judicial proceeding resulting therefrom, or in the taking of photographs or X-rays, or the placing in temporary protective custody of a child, or otherwise performing his duties or acting pursuant to law, shall be immune from any civil or criminal liability or termination of employment that otherwise might result by reason of such acts of participation, unless a court of competent jurisdiction determines that such person's behavior was willful, wanton, and malicious.

For the purpose of any civil or criminal proceedings, the good faith of any such person reporting child abuse, any such person taking photographs or X-rays, and any such person who has legal authority to place a child in protective custody, shall be presumed.

CONNECTICUT***Conn. Gen. Stat. Ann. § 17a-101e(b) (West 1998)***

Any person, institution or agency which, in good faith, makes or, in good faith, does not make a report shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such report provided such person did not perpetrate or cause such abuse or neglect.

DELAWARE***Del. Code Ann. Tit. 16, § 908(a) (WESTLAW through 1999 1st Spec. Sess.)***

Anyone participating in good faith in the making of a report or notifying police officers, performing a medical examination without the consent of those responsible for the care, custody, and control of the child, or exercising emergency protective custody in compliance with provisions of this chapter, shall have immunity from any liability, civil or criminal, that might otherwise exist, and such immunity shall extend to participation in any judicial proceedings resulting from the above actions taken in good faith. This section shall not limit the liability of any health care provider for personal injury claims due to medical negligence that occurs as a result of any examination performed pursuant to statute.

DISTRICT OF COLUMBIA***D.C. Code Ann. § 4-1321.04 (WESTLAW through 10-2-01)***

Any person, hospital, or institution participating in good faith in the making of a report pursuant to the reporting laws shall have immunity from liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making of the report. Any such participation shall have the same immunity with respect to participation in any judicial proceeding involving the report.

In all civil or criminal proceedings concerning the child or resulting from the report, good faith shall be presumed unless rebutted.

FLORIDA***Fla. Stat. Ann. § 39.203(1) (West, WESTLAW through 1999 1st Reg. Sess.)***

Any person, official, or institution participating in good faith in any act authorized or required by the reporting laws, or reporting in good faith any instance of child abuse, abandonment, or neglect to the department or any law enforcement agency, shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

Nothing contained in the reporting laws shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused, abandoned, or neglected a child, or committed any illegal act upon or against a child.

GEORGIA***Ga. Code Ann. § 19-7-5(f) (Supp. 1998)***

Any person or persons, partnership, firm, corporation, association, hospital, or other entity participating in the making of a report or causing a report to be made to a child welfare agency providing protective services or to an appropriate police authority pursuant to the reporting laws or any other law, or participating in any judicial proceeding or any other proceeding resulting therefrom shall, in so doing, be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation is made in good faith. Any person making a report, whether required by reporting laws or not, shall be immune from liability.

GUAM***Guam Code Ann. Tit. 19, § 13206 (WESTLAW through 2003 P.L. 126-152)***

Any person, hospital, institution, school, facility or agency participating in good faith in the making of a report or testifying in any proceeding arising out of an instance of suspected child abuse or neglect, the taking of photographs or the removal or keeping of a child pursuant to § 13302 of the Child Protective Act shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions. For the purpose of any proceeding, civil or criminal, the good faith of any person required to report cases of child abuse or neglect pursuant to law shall be presumed.

HAWAII***Haw. Rev. Stat. § 350-3 (1998)***

Anyone participating in good faith in the making of a report pursuant to the reporting laws shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed by or as a result of making the report. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

Any individual who assumes a duty or responsibility pursuant to statute shall have immunity from civil liability for acts or omissions performed within the scope of the individual's duty or responsibility.

IDAHO***Idaho Code § 16-1620 (Supp. 1998)***

Any person who has reason to believe that a child has been abused, abandoned or neglected and, acting upon that belief, makes a report as required by the reporting laws shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

Any person who reports in bad faith or with malice shall not be protected by this law.

ILLINOIS***325 Ill. Comp. Stat. Ann. 5/9 (West Supp. 1998)***

Any person, institution, or agency, under the reporting laws, participating in good faith in the making of a report or referral, or in the investigation of such a report or referral, or in the taking of photographs and X-rays, or in the retaining a child in temporary protective custody, or in making a disclosure of information concerning reports of child abuse and neglect in compliance with the reporting laws, shall have immunity from any civil, criminal, or other liability that might result by reason of such actions.

For the purpose of any civil or criminal proceedings, the good faith of any persons required or permitted to report or refer under the reporting laws, or required to disclose information concerning reports of child abuse and neglect, cases of suspected child abuse or neglect, shall be presumed.

INDIANA***Ind. Code Ann. § 31-33-6 (1)-(3) (Michie 1997)***

A person, other than a person accused of child abuse or neglect, who makes or causes to be made a report of a child who may be a victim of child abuse or neglect; is a health care provider and detains a child for purposes of causing photographs, X-rays, or a physical medical examination to be made; makes any other report of a child who may be a victim of child abuse or neglect; or participates in any judicial proceeding or other proceeding resulting from a report that a child may be a victim of child abuse or neglect or relating to the subject matter of the report, is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

Immunity does not attach for a person who has acted maliciously or in bad faith.

A person making a report that a child may be a victim of child abuse or neglect or assisting in any requirement of the reporting laws is presumed to have acted in good faith.

IOWA***Iowa Code Ann. § 232.73 (West, WESTLAW through End of 2002 2nd Ex. Sess.)***

A person participating in good faith in the making of a report, photographs or X-rays, or in the performance of a medically relevant test pursuant to the reporting laws, or aiding and assisting in an investigation of a child abuse report pursuant to the reporting laws, shall have immunity from any civil or criminal liability which might otherwise be incurred or imposed. The person shall have the same immunity with respect to participation in good faith in any judicial proceeding resulting from the report or relating to the subject matter of the report.

"Medically relevant test" means a test that produces reliable results of exposure to cocaine, heroin, amphetamine, methamphetamine, or other illegal drugs or combinations or derivatives of the illegal drugs, including a drug urine screen test.

KANSAS***Kan. Stat. Ann. § 38-1526 (1993)***

Anyone participating without malice in the making of an oral or written report to a law enforcement agency or to the Department of Social and Rehabilitation Services relating to injury inflicted upon a child as a result of physical, mental, sexual, or emotional abuse or neglect, or in any follow-up activity to or investigation of the report, shall have immunity from any civil liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings resulting from the report.

KENTUCKY***Ky. Rev. Stat. Ann. § 620.050(1) (West, WESTLAW through 2/1/03)***

Anyone acting upon reasonable cause in the making of a report or acting in good faith shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or action.

LOUISIANA

La. Children's Code art. 611 (West 1995)

Any person who in good faith makes a report, cooperates in any investigation arising as a result of such report, or participates in judicial proceedings resulting from such report, or any caseworker who in good faith conducts an investigation, makes an investigative judgment or disposition, or releases or uses information contained in the central registry for the purpose of protecting a child, shall have immunity from civil or criminal liability that otherwise might be incurred or imposed.

This immunity shall not be extended to:

- Any alleged principal, conspirator, or accessory to an offense involving the abuse or neglect of the child; or
- Any person who makes a report known to be false or with reckless disregard for the truth of the report.

MAINE

Me. Rev. Stat. Ann. Tit. 22, § 4014 (West 1992)

A person, including an agent of the Department, participating in good faith in reporting under the reporting laws or participating in a related child protection investigation or proceeding, including, but not limited to, a multidisciplinary team, out-of-home abuse investigating team or other investigating or treatment team, is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false.

Nothing in this law may be construed to bar criminal or civil action regarding perjury or regarding the abuse or neglect which led to a report, investigation, or proceeding. A person participating in good faith in taking photographs or X-rays pursuant to the reporting laws is immune from civil liability for invasion of privacy that might otherwise result from these actions.

In a proceeding regarding immunity from liability, there shall be a rebuttable presumption of good faith.

MARYLAND

Md. Code Ann. Fam. Law § 5-708 (WESTLAW through Md. 2003 Legis. Serv., Ch. 308)

Any person who makes or participates in making a report of abuse or neglect under §§ 5-704, 5-705, or 5-705.1 or participates in an investigation or resulting judicial proceeding shall have immunity from civil liability or criminal penalty.

MASSACHUSETTS

Mass. Gen. Laws Ann. ch. 119, § 51A (West, WESTLAW through 2003 1st Ann. Sess.)

No person required to report shall be liable in any civil or criminal action by reason of such report. No other person making a report shall be liable in any civil or criminal action by reason of such report if it was made in good faith; provided, however, that such person did not perpetrate or inflict the abuse or cause the neglect. Any person making such report who, in the determination of the department or the district attorney, may have perpetrated or inflicted the abuse or caused the neglect, may be liable in a civil or criminal action.

MICHIGAN

Mich. Comp. Laws Ann. § 722.625 (West, WESTLAW through 2000 Reg. Sess.)

A person acting in good faith who makes a report, cooperates in an investigation, or assists in any other requirement pursuant to the reporting laws, is immune from civil or criminal liability that might otherwise be incurred by that action.

A person making a report or assisting in any other requirement of the reporting laws is presumed to have acted in good faith.

This immunity from civil or criminal liability extends only to acts done pursuant to the reporting laws and does not extend to a negligent act that causes personal injury or death or to the malpractice of a physician that results in personal injury or death.

MINNESOTA

Minn. Stat. Ann. § 626.556, Subd. 4 (West, WESTLAW through 2002 1st Sp. Sess.)

The following persons are immune from any civil or criminal liability that otherwise might result from their actions, if they are acting in good faith:

- Any person making a voluntary or mandated report under the reporting laws or assisting in an assessment;
- Any person with responsibility for performing duties under this section or supervisor employed by a local welfare agency, the commissioner of an agency responsible for operating or supervising a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution, or a school, or a non-licensed personal care provider organization; and
- Any public or private school, or the employee of any public or private school or facility who permits access by a local welfare agency or local law enforcement agency and assists in an investigation or assessment.

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A person who is a supervisor or person with responsibility for performing duties under this section employed by a local welfare agency or the commissioner complying with the reporting laws or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions, if the person is (1) acting in good faith and exercising due care, or (2) acting in good faith and following the information collection procedures established by law.

This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

MISSISSIPPI

Miss. Code Ann. § 43-21-355 (Supp. 1998)

Any person participating in the making of a required report pursuant to the reporting laws or participating in a judicial proceeding resulting therefrom, shall be presumed to be acting in good faith. Any person or institution reporting in good faith shall be immune from any civil or criminal liability that might otherwise be incurred or imposed.

MISSOURI

Mo. Stat. Ann. § 210.135 (West Supp. 1998)

Any person, official, or institution complying with the provisions of the reporting laws in the making of a report, the taking of color photographs, or the making of radiologic examinations, or both such taking of color photographs and making of radiologic examinations, or the removal or retaining a child pursuant to statute, or in cooperating with the division, or any other law enforcement agency, juvenile office, court, or child-protective service agency of this or any other State, in any of the activities pursuant to statute, or any other allegation of child abuse, neglect or assault, shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions.

Provided, however, any person, official or institution intentionally filing a false report, acting in bad faith, or with ill intent, shall not have immunity from any liability, civil or criminal.

Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

MONTANA

Mont. Code Ann. § 41-3-203(1) (WESTLAW through 1999 Reg. Sess.)

Anyone investigating or reporting any incident of child abuse or neglect, participating in resulting judicial proceedings, or furnishing hospital or medical records pursuant to the reporting laws, is immune from any civil or criminal liability that might otherwise be incurred or imposed, unless the person was grossly negligent or acted in bad faith or with malicious purpose or provided information knowing the information to be false.

NEBRASKA***Neb. Rev. Stat. Ann. § 28-716 (West, WESTLAW through End of 2001 1st Spec. Sess.)***

Any person participating in an investigation or the making of a report pursuant to the reporting laws or participating in a judicial proceeding resulting therefrom, shall be immune from any civil or criminal liability that might otherwise be incurred or imposed, except for maliciously false statements.

NEVADA***Nev. Rev. Stat. Ann. § 432B.160 (West, WESTLAW through 2001 Reg. Sess. & 17th Sp. Sess.)***

Except as otherwise provided below, immunity from civil or criminal liability extends to every person who in good faith:

- Makes a report pursuant to the reporting laws;
- Conducts an interview or allows an interview to be taken;
- Allows or takes photographs or X-rays;
- Causes a medical test to be performed;
- Provides a record, or a copy thereof, of a medical test to an agency that provides child welfare services to the child, a law enforcement agency that participated in the investigation of the report of abuse or neglect of the child or the prosecuting attorney's office;
- Holds a child pursuant to § 432B.400 [pertaining to the temporary detention of a child by a physician], takes possession of a child pursuant to § 432B.630 [pertaining to the delivery of a newborn child to a provider of emergency services, or places a child in protective custody;
- Performs any act pursuant to subsection 2 of § 432B.630;
- Refers a case or recommends the filing of a petition pursuant to § 432B.380 [pertaining to the referral of a case to a district attorney for criminal prosecution];
- Participates in a judicial proceeding resulting from a referral or recommendation.

The provisions above do not confer any immunity from liability for the negligent performance of any act pursuant to § 432B.630.

In any proceeding to impose liability against a person for making a report pursuant to the reporting laws, or performing any of the actions listed above, there is a presumption that a person acted in good faith.

NEW HAMPSHIRE***N.H. Rev. Stat. Ann. § 169-C:31 (Supp. 1998)***

Anyone participating in good faith in the making of a report pursuant to the reporting laws is immune from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the Division for Children, Youth, and Families, or judicial proceeding resulting from such report.

NEW JERSEY***N.J. Stat. Ann. § 9:6-8.13 (West 1993)***

Anyone acting pursuant to the reporting laws in the making of a report under the reporting laws shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such person shall have the same immunity with respect to testimony given in any judicial proceeding resulting from such report.

NEW MEXICO***N.M. Stat. Ann. § 32A-4-5(B) (Michie 1995)***

Anyone reporting an instance of alleged child neglect or abuse or participating in a judicial proceeding brought as a result of a report required by the reporting laws is presumed to be acting in good faith and shall be immune from civil or criminal liability that might otherwise be incurred or imposed by the law, unless the person acted in bad faith or with malicious purpose.

NEW YORK***N.Y. Soc. Serv. Law § 419 (McKinney Supp. 1999)***

Any person, official, or institution participating in good faith in the making of a report or the taking of photographs, the removal or keeping of a child pursuant to this title or the disclosure of child protective services information in compliance with child reporting laws, shall have immunity from any civil or criminal liability that might otherwise result by reason of such actions.

For the purpose of any civil or criminal proceeding, the good faith of any such person, official, or institution required to report cases of child abuse or maltreatment or providing a reporting procedure service shall be presumed, provided such person, official, or institution was acting in the discharge of their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person, official, or institution.

NORTH CAROLINA***N.C. Gen. Stat. § 7B-309 (West, WESTLAW through 2000 Reg. Sess.)***

Anyone who makes a report pursuant to the reporting laws, cooperates with the County Department of Social Services in a protective services inquiry or investigation, testifies in any judicial proceeding resulting from a protective services report or investigation, or otherwise participates in the program authorized by law, is immune from any civil or criminal liability that might otherwise be incurred or imposed for such action provided that the person was acting in good faith.

In any proceeding involving liability, good faith is presumed.

NORTH DAKOTA

N.D. Cent. Code § 50-25.1-09 (Supp. 1997)

Any person, other than the alleged violator, participating in good faith in the making of a report, assisting in an investigation or assessment, furnishing information, or in providing protective services or who is a member of the child fatality review panel, is immune from any civil or criminal liability, except for criminal liability as provided for under penalties for failure to report and false reporting, that otherwise might result from reporting the alleged case of abuse, neglect, or death resulting from child abuse or neglect.

For the purpose of any civil or criminal proceeding, the good faith of any person required to report cases of child abuse, neglect, or death must be presumed.

NORTHERN MARIANA ISLANDS

CNMI Code Tit. 6, § 5314 (1999)

Any person making a good faith report shall be immune from civil or criminal liability which might otherwise arise from such action.

OHIO

Ohio Rev. Code Ann. § 2151.421(G)(1)(a) (West, WESTLAW through 3/30/03)

Except as provided in the law regarding false reports, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under § 2151.421(A), anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under § 2151.421(B), and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.

OKLAHOMA

Okla. Stat. Ann. Tit. 10, § 7105 (West, WESTLAW through 2000 1st Ex. Sess.)

Any person, in good faith and exercising due care, participating in the making of a report pursuant to reporting laws, or allowing access to a child by persons authorized to investigate a report concerning the child, shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

The good faith of any physician, surgeon, osteopathic physician, resident, intern, physician's assistant, registered nurse, or any other health care professional in making a report pursuant to the reporting laws shall be presumed.

OREGON***Or. Rev. Stat. Ann. § 419B.025 (1995)***

Anyone participating in good faith in the making of a report of child abuse and who has reasonable grounds for the making thereof shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.

PENNSYLVANIA***23 Pa. Cons. Stat. Ann. § 6318(a)-(b) (West Supp. 1998)***

A person, hospital, institution, school, facility, agency, or agency employee that participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse, or the taking of photographs, or the removal or keeping of a child pursuant to child custody law, and any official or employee of a county agency who refers a report of suspected abuse to law enforcement authorities or provides services under this law, shall have immunity from civil and criminal liability that might otherwise result by reason of those actions.

For the purpose of any civil or criminal proceeding, the good faith of a person required to report pursuant to child abuse reporting law and of any person required to make a referral to law enforcement officers under this law shall be presumed.

PUERTO RICO***P.R. Laws Ann. Tit. 8, § 441h (Lexis, WESTLAW through December 2000)***

Any person, official or institution of those compelled to furnish information on cases of abuse, institutional abuse, abuse through neglect and/or abuse through institutional neglect or minors, and any person who voluntarily and in good faith participates in any act of those required or set forth in this chapter, shall be granted immunity in any civil or criminal procedure that may be initiated as a result of said act.

RHODE ISLAND***R.I. Gen. Laws § 40-11-4 (1997)***

Any person participating in good faith in making a report pursuant to the reporting laws shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

SOUTH CAROLINA

S.C. Code Ann. § 20-7-540 (WESTLAW through End of 2000 Reg. Sess.)

A person required or permitted to report pursuant to the reporting laws or who participates in an investigation or judicial proceedings resulting from the report, acting in good faith, is immune from civil and criminal liability which might otherwise result by reason of these actions. In all such civil or criminal proceedings, good faith is rebuttably presumed.

Immunity extends to full disclosure by the person of facts which gave the person reason to believe that the child's physical or mental health or welfare had been or might be adversely affected by abuse or neglect.

SOUTH DAKOTA

S.D. Codified Laws § 26-8A-14 (Michie 1992)

Any person or party participating in good faith in the making of a report or the submitting of copies of medical examination, treatment or hospitalization records pursuant to the reporting laws, is immune from any civil or criminal liability that might otherwise be incurred or imposed, and has the same immunity for participation in any judicial proceeding resulting from the report.

Immunity also extends in the same manner to persons requesting the taking of photographs and X-rays pursuant to the reporting laws, to persons taking the photographs and X-rays, to child protection teams established by the Secretary of Social Services, to public officials or employees involved in the investigation and treatment of child abuse or neglect, or to any person who in good faith cooperates with a child protection team or the Department of Social Services in investigation, placement or a treatment plan.

The provisions of this law or any other law granting or allowing the grant of immunity do not extend to any person alleged to have committed an act or acts of child abuse or neglect.

TENNESSEE

Tenn. Code Ann. § 37-1-410(a) (WESTLAW through End of 2001 1st Reg. Sess.)

If a health care provider makes a report of harm, as required by the reporting laws; and if the report arises from an examination of the child performed by the health care provider in the course of rendering professional care or treatment of the child; then the health care provider shall not be liable in any civil or criminal action that is based solely upon:

- The health care provider's decision to report what he or she believed to be harm;
- The health care provider's belief that reporting such harm was required by law; or
- The fact that a report of harm was made.

As used in this subsection, "health care provider" means any physician, osteopathic physician, medical examiner, chiropractor, nurse, hospital personnel, mental health professional, or other health care professional.

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Nothing in this subsection shall be construed to confer any immunity upon a health care provider for a criminal or civil action arising out of the treatment of the child about whom the report was made.

If absolute immunity is not conferred upon a person pursuant to the subdivision above, and, if acting in good faith, the person makes a report of harm, as required by the reporting laws, then the person shall not be liable in any civil or criminal action that is based solely upon:

- The person's decision to report what the person believed to be harm;
- The person's belief that reporting such harm was required by law; or
- The fact that a report of harm was made.

Because of the overriding public policy to encourage all persons to report the neglect of or harm or abuse to children, any person upon whom good faith immunity is conferred pursuant to this subdivision shall be presumed to have acted in good faith in making a report of harm.

No immunity conferred shall attach if the person reporting the harm perpetrated or inflicted the abuse or caused the neglect.

A person furnishing a report, information or records as required or authorized under the provisions of this part shall have the same immunity and the same scope of immunity with respect to testimony such person may be required to give or may give in any judicial or administrative proceeding or in any communications with the department or any law enforcement official as is otherwise conferred by the provisions of this subsection upon such person for the making the report of harm.

If the person furnishing a report, information or records during the normal course of such person's duties as required or authorized under the provisions of this part is different than the person originally reporting the harm, then the person furnishing such report, information or records shall have the same immunity and the same scope of immunity with respect to testimony such person may be required to give or may give in any judicial or administrative proceeding or in any communications with the department or any law enforcement official as is otherwise conferred by the provisions of this subsection upon the person who made the original report of harm.

TEXAS

Tex. Family Code Ann. § 261.106 (West 1996)

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from civil or criminal liability that might otherwise be incurred or imposed.

Immunity from civil and criminal liability extends to an authorized volunteer of the Department of Human Services or a law enforcement officer who participates at the request of the department in an investigation of alleged or suspected abuse or neglect or in an action arising from an investigation if the person was acting in good faith and in the scope of the person's responsibilities.

A person who reports the person's own abuse or neglect of a child or who acts in bad faith or with malicious purpose in reporting alleged child abuse or neglect is not immune from civil or criminal liability.

UTAH

Utah Code Ann. § 62A-4a-410 (Lexis, WESTLAW through 2002 5th Spec. Sess.)

Any person, official, or institution participating in good faith in making a report, taking photographs, or X-rays, assisting an investigator from the Division, serving as a member of a child protection team, or taking a child into protective custody pursuant to the reporting laws, is immune from any liability, civil or criminal that otherwise might result by reason of those actions.

This section does not provide immunity with respect to acts or omissions of a governmental employee except as provided by Title 63, Chapter 30, Utah Governmental Immunity Act.

VERMONT

Vt. Stat. Ann. Tit. 33, § 4913(c) (WESTLAW through 2002 Sess.)

Any person enumerated in subsections (a) or (b) of this section, other than a person suspected of child abuse, who in good faith makes a report to the department of social and rehabilitation services shall be immune from any civil or criminal liability which might otherwise be incurred or imposed as a result of making a report.

VIRGIN ISLANDS

V.I. Code Ann. Tit. 5, § 2537 (WESTLAW through 2002 Sess.)

Any person, official or institution participating in good faith in any act permitted or required by this subchapter shall be immune from any civil or criminal liability that otherwise might result by reason of such actions.

VIRGINIA

Va. Code Ann. § 63.2-1512 (West, WESTLAW through End of 2002 Reg. Sess.)

Any person who makes a report or complaint pursuant to the reporting laws, or who takes a child into custody pursuant to law, or who participates in a judicial proceeding resulting therefrom, shall be immune from any civil or criminal liability in connection therewith, unless it is proven that such person acted in bad faith or with malicious intent.

WASHINGTON

Wash. Rev. Code Ann. § 26.44.060(1)(a) (West Supp. 1999)

Any person participating in good faith in the making of a report pursuant to the reporting laws or testifying as to alleged child abuse or neglect in a judicial proceeding shall be immune from any liability arising out of such reporting or testifying.

WEST VIRGINIA***W. Va. Code Ann. § 49-6A-6 (1996)***

Any person, official, or institution participating in good faith in any act permitted or required by the reporting laws shall be immune from any civil or criminal liability that otherwise might result by reason of such actions.

WISCONSIN***Wis. Stat. Ann. § 48.981(4) (West, WESTLAW through 2003 Act 2)***

Any person or institution participating in good faith in making of a report, conducting an investigation, ordering or taking photographs, or ordering or performing medical examinations of a child or an expectant mother pursuant to the reporting laws, shall have immunity from any liability, civil or criminal, that results by reason of the action.

For the purpose of any civil or criminal proceeding, the good faith of any person reporting under this reporting law shall be presumed.

The immunity provided herein does not apply to liability for abusing or neglecting a child or for abusing an unborn child.

WYOMING***Wyo. Stat. Ann. § 14-3-209 (Michie 1997)***

Any person, official, institution, or agency participating in good faith in any act required or permitted by the reporting laws is immune from any civil or criminal liability that might otherwise result by reason of the action.

For the purpose of any civil or criminal proceeding, the good faith of any person, official, or institution participating in any act permitted or required by the reporting laws shall be presumed.